

## EXTENSIONS OF REMARKS

### IN SUPPORT OF LEGISLATION TO PREVENT THE EARLY RELEASE OF VIOLENT FELONS AND CONVICTED DRUG DEALERS

**HON. TOM DeLAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. DELAY. Mr. Speaker, I rise to introduce a bill in this Congress that I first offered last April 23rd in the 105th Congress. The bill is simple—it ends forever, the early release of violent felons and convicted drug dealers by judges who care more about the ACLU's prisoner rights wish list than about the Constitution, and the safety of our towns, communities and fellow citizens.

Under the threat of federal courts, states are being forced to prematurely release convicts because of what activist judges call "prison overcrowding."

In Philadelphia, for instance, Federal Judge Norma Shapiro has used complaints filed by individual inmates to gain control over the prison system and establish a cap on the number of prisoners. To meet that cap, she ordered the release of 500 prisoners a week.

In an 18 month period alone, 9,732 arrestees that were out on the streets of Philadelphia on pre-trial release because of her prison cap, were re-arrested on second charges, including 79 murders, 90 rapes, 701 burglaries, 959 robberies, 1,113 assaults, 2,215 drug offenses and 2,748 thefts. How does she sleep at night?

Each one of these crimes was committed against a person with a family dreaming of a safe and peaceful future—a future that was snuffed out by a judge who has a perverted view of the Constitution.

Of course Judge Shapiro is not alone. There are many other examples. In a Texas case that dates back to 1972, federal Judge William Wayne Justice took control of the Texas prison System and dictated changes in basic inmate disciplinary practices that wrested administrative authority from staff and resulted in rampant violence behind bars.

Under the threats of Judge Justice, Texas was forced to adopt what is known as the "nutty release" law that mandates "good time credit" for prisoners. Murderers and drug dealers who should be behind bars are walking the streets of our Texas neighborhoods—thanks to Judge Justice.

Wesley Wayne Miller was convicted in 1982 of a brutal murder. He served only 9 years of a 25-year sentence for butchering an 18-year-old Fort Worth girl. Now, after another crime spree, he was re-arrested.

Huey Meaux was sentenced to 15 years for molesting a teen-age girl. He is eligible for parole this September after serving only two years in prison.

Kenneth McDuff was on death row for murder when his sentence was commuted. He ended up murdering someone else.

In addition to the cost to society of Judge Justice's activism, Texas is reeling from the fi-

nancial impact of Judge Justice's sweeping order. I remember back when I was in the state legislature, the state of Texas spent about \$8.00 per prisoner per day.

By 1994, when the full force of Judge Justice's edict was finally being felt, the state was spending more than \$40.00 every day for each prisoner. That's a fivefold increase over a period when the state's prison population barely doubled.

The truth is no matter how Congress and state legislatures try to get tough on crime, we won't be effective until we deal with the judicial activism.

The courts have undone almost every major anti-crime initiative passed by the legislative branch. In the 1980s, as many states passed mandatory-minimum sentencing laws, the judges checkmated the public by imposing prison caps. When this Congress mandated the end of "consent decrees" regarding prison overcrowding in 1995, some courts just ignored our mandate.

There is an activist judge behind each of the most perverse failures of today's justice system: violent offenders serving barely 40% of their sentences; 3.5 million criminals, most of them repeat offenders, on the streets on probation and parole; 35% of all persons arrested for violent crime being on probation, parole, or pretrial release at the time of their arrest.

The Constitution of the United States gives us the power to take back our streets. Article III allows the Congress to set jurisdictional restraints on the Courts. My bill will set such restraints.

I presume we will hear cries of "court stripping" by opponents of my bill. These cries, however, will come from the same people who voted to limit the jurisdiction of federal courts in the 1990 Civil Rights Bill.

Let us not forget the pleas of our current Chief Justice of the United States, William Rehnquist. In his 1997 Year-end Report on the Federal Judiciary, he said, "I therefore call on Congress to consider legislative proposals that would reduce the jurisdiction of federal courts." We should heed Justice Rehnquist's call—right here, right now.

Mr. Speaker, this bill is also identical to an amendment I offered last Congress to HR 1252, the Judicial Reform Act. That amendment passed 367–52. That's right, 367–52. While that is an overwhelming victory, it is not enough. I am saddened that 52 Members so callously voted against protecting the families they represent.

Despite the fact that the liberal legal establishment will fight against my bill and the families it will help protect, many of my liberal Democrat colleagues voted for my amendment last year.

They couldn't afford not to. How can any member of this body go home to their district and face a mother whose son or daughter has been savagely beaten and killed by a violent felon—a felon let out of prison early to satisfy the legal community's liberal agenda.

Judicial activism threatens our safety and the safety of our children, if in the name of

justice, murderers and rapists are allowed to prowl our streets before they serve their time. It's time to return some sanity to our justice system, and keep violent offenders in jail. I strongly urge my colleagues, for the sake of the families they represent, to support my bill.

### INTRODUCTION OF BILL TO TAKE THE AIRPORT AND AIRWAY, THE INLAND WATERWAYS, AND THE HARBOR MAINTENANCE TRUST FUNDS OFF BUDGET

**HON. BUD SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 6, 1999*

Mr. SHUSTER. Mr. Speaker, I am again standing before Congress requesting that the Transportation Trust Funds be treated fairly. The bill I am introducing today, referred to as the "Truth in Budgeting Act," is a bill I have introduced in the past. With the support of many members of Congress and of course, my colleague, Congressman JIM OBERSTAR, the Transportation and Infrastructure Committee was successful last Congress in passing into law the appropriate budget treatment for the Highway Trust Fund.

This Congress, we are asking that the remainder of the transportation trust funds be treated fairly. In short, the taxes which transportation users pay should be spent on the intended purposes.

During the past decade, aviation taxes have increased dramatically. In 1990, airline passengers and other users of the air transportation system paid \$3.7 billion in taxes and fees for their use of that system. By 1995, taxes had increased to \$5.5 billion. Now, in 1999, it is estimated that aviation users will pay over \$10 billion in aviation taxes and fees, almost triple the amount that they paid at the beginning of the decade and almost double what they paid just 4 years ago.

This increase is partly due to the increase in passengers and aviation activity. But it is also due to the fact that the tax rates have been dramatically increased over the past few years.

All these taxes go into a Trust Fund that was created in 1970. When this aviation trust fund was created, it was designed primarily to pay for improvements in the aviation infrastructure, such as airport improvements and the modernization of air traffic control equipment.

The problem is that this Trust Fund is part of the unified budget. As a result, it does not operate like a true trust fund. Under current budget rules, there is no assurance that tax revenues deposited in the trust fund will actually be spent on aviation infrastructure needs. Arbitrary budget caps often limit the amount that can be spent.

In fact, over time, aviation infrastructure needs have been dramatically underfunded. And, on occasion, money has been taken out

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the aviation trust fund to pay FAA salaries or meet general budget needs. More often, the money is not spent, in order to offset increased spending for other programs unrelated to aviation.

As a result, by the end of this year, it is expected that the uncommitted surplus in the Trust Fund will be \$6.9 billion and the cash balance will be \$12.6 billion. It would be even higher if not for the fact that the taxes temporarily expired a few years ago. In 10 years, if nothing is done, CBO projects that the uncommitted balance will balloon to \$57 billion and the cash balance to \$63 billion!

This is clearly unacceptable. If the government is not going to spend the money then it should not be collecting the tax. The only thing worse than paying taxes is paying the tax and then not getting the promised benefit from it.

Unfortunately, the same type of problem exists with the Inland Waterways Trust Fund and the Harbor Maintenance Trust Fund. Both are part of the unified budget and both are accumulating unacceptable surpluses in the face of enormous infrastructure needs.

The Inland Waterways Trust Fund helps to finance improvements to the nation's navigable waterways, including locks and dams. Notwithstanding the significant cost of keeping these arteries of commerce open and functioning, the trust fund's surplus continues to grow. As of October 1, 1998, the Inland Waterway Trust Fund balance was \$342.3 million.

The Harbor Maintenance Trust Fund, which helps to finance navigation needs at the nation's ports and harbors, has an even larger surplus. As of October 1, 1998, the fund's balance was \$1.29 billion. Harbor maintenance is critical to jobs, economic development and international trade. There is growing concern about the failure to adequately meet port infrastructure needs. There is also concern about the Supreme Court's March 1998 decision that the Harbor Maintenance Tax is unconstitutional as it relates to exports and the possibility it violates international commitments relating to imports. Both concerns emphasize the need for truth in budgeting.

Last year, we were confronted by the same problem in surface transportation. People who used the roads were paying gas taxes into a trust fund with no assurance that the money would be spent. We fixed that problem in the TEA-21 legislation by creating "firewalls" to ensure that all the gas tax money would be spent on road and transit improvements.

1999 will be the year of aviation. By that I mean, at a minimum, that we intend to do the same thing for aviation that we did for surface transportation last year. We intend to unlock the Trust Fund to ensure that the money can be spent to meet aviation infrastructure needs.

The needs are significant. Airports estimate, and GAO agrees, that meeting airport infrastructure needs will require about \$10 billion per year. Currently airports have access to only about \$7 billion per year from all sources. Therefore, there is about a \$3 billion airport infrastructure funding gap that we need to close.

Over the last 5 years, the number of passengers in the U.S. has grown 37% to 655 million. It is expected to grow to 995 million in 10 years.

Daily aircraft delays were 19% higher in 1996 than in 1995. Mitre estimates that a 60% increase in airport capacity will be needed by 2015 just to prevent delays from increasing above current levels.

FAA's air traffic control facilities and equipment are also very old and badly in need of upgrades. The towers, TRACONS and centers that house air traffic controllers have building design lives of 20 years. Yet the average age of the towers and TRACONS is already 20 years and the Centers are on average 40 years old.

The FAA is still using computers that are so old that they are no longer used anywhere else in the world and replacement parts are no longer manufactured. When the old equipment breaks down, flights must be delayed to prevent endangering passengers.

The FAA is trying to expand airport capacity and modernize the air traffic control system. But this will take money, in many cases, a great deal of money. That money is in the Aviation Trust Fund and could be used if it were not for the current budget caps that are unrelated to the Trust Fund revenue.

Therefore, today, on a bipartisan basis, I am introducing legislation that will take the Aviation Trust Fund off budget. This will ensure that aviation tax revenue can be spent on aviation needs without regard to any arbitrary budget caps. To the extent the needs are demonstrated and the money is in the fund, it could be spent under this legislation.

I recognize that this will be controversial and we are prepared to work with the aviation community and others to perfect it.

As we do so, one of the things that will be absolutely vital to the final legislative package will be the assurance that the general fund payment will continue. I am not undertaking this effort merely to convert general fund obligations to trust fund spending. The general fund now pays a certain portion of the FAA's budget in lieu of taxes to compensate the FAA for government and military aircraft use of the system. In addition, the general fund payment is justified by the benefit aviation provides to the general economic well being of this country.

In TEA-21, the general fund payment for transit is within the "firewalls" and is therefore guaranteed. I am committed to the same sort of treatment of the general fund in aviation.

I am also committed to ensure that the aviation needs are met using existing Trust Fund taxes and fees. I cannot conceive of a circumstance where I would support an increase in federal taxes. The current tax structure, coupled with the general fund contribution, provides enough money to meet aviation needs. If it is fully utilized, there will be no need for any new federal taxes.

The only possible exception involves the passenger facility charge (PFC). There, I am prepared to consider an increase if we unlock the Trust Fund and it does not provide enough for airport improvements. It is my hope that the airlines and airports would work together on this to ensure that airports needs are met while airline interests are respected.

The legislation also provides a unique opportunity to consider fundamental structural reform at the FAA. It is not enough for the FAA to spend more money. We also want them to spend it wisely. I look forward to working with the aviation community, the Administration, and others on this.

Finally, I want to thank Congressman OBERSTAR for his support for this effort. He has been a proponent of aviation infrastructure spending and water infrastructure for a long time. Under this Chairmanship, the Airport Im-

provement Program achieved one of its highest funding levels ever. I look forward to working with him, Subcommittee Chairman DUNCAN, and ranking member LIPINSKI as we carry this legislation to a successful conclusion. I also look forward to working with Chairman BOEHLERT and ranking member BORSKI of the Water Resources and Environment Subcommittee as they consider water resources development and infrastructure financing proposals.

#### A TRIBUTE TO SHIVA K. PANT

#### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 6, 1999

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to Mr. Shiva K. Pant for his more than two decades of service to Fairfax County, Virginia commuters. Mr. Pant has faithfully served in the Fairfax County Government for the past twenty-five years and will be retiring in January of 1999. Even though the citizens of Fairfax County will be losing Mr. Pant's services with the Department of Transportation, he will still be working to clear our congested roads as the Government Relations Officer for Virginia with the Washington Metropolitan Area Transit Authority (WMATA).

The Washington Metropolitan Area has excessive traffic needs to say the least, and Shiva Pant has been preparing to tackle them since he began his education. While still in India, Shiva Pant earned a Bachelor of Technology in Civil Engineering from the Indian Institute of Technology in Kanpur, India in 1968. After relocating to the United States he immediately began work, and ultimately completed in 1969, a Master of Science in Civil Engineering (MSCE) with specialization in Transportation, at West Virginia University.

After mastering the academic theories of transportation and traffic control, Shiva Pant began his career with the State of Virginia as a Transportation Planner for the Virginia Department of Highways, the precursor to VDOT, starting in 1970. During his tenure in Richmond Mr. Pant established himself as a leader in the field of transportation through his service as project manager for the first Congressionally mandated statewide transit needs study.

In 1974, Shiva Pant relocated to Fairfax County to become Transportation Planning Branch Chief for the Fairfax County Office of Comprehensive Planning. After recognizing the enormous scope of Fairfax County's future transportation needs, Mr. Pant led the successful drive to establish an autonomous office of transportation for Fairfax County. Three years after transferring to Fairfax County, Shiva Pant, in 1977, became the first Director of the Fairfax County, Office of Transportation. A post he has faithfully held to this day.

As Director of the Office of Transportation, which now employs 60 staff full-time, Mr. Pant is head of the agency responsible for conducting and coordinating all aspects of highway and transit planning, implementation, operations and financing for all projects. Over the preceding two decades Mr. Pant was personally responsible for a number of key projects including the 35-mile Fairfax County Parkway, the Route 28 Transportation Tax District, he